NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES. See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24.

FILED BY CLERK

AUG -6 2009

COURT OF APPEALS
DIVISION TWO

## IN THE COURT OF APPEALS STATE OF ARIZONA DIVISION TWO

THE STATE OF ARIZONA,		)	
		)	2 CA-CR 2008-0418
	Appellee,	)	DEPARTMENT A
		)	
v.		)	MEMORANDUM DECISION
		)	Not for Publication
MELLISA FINLAYSON,		)	Rule 111, Rules of
		)	the Supreme Court
	Appellant.	)	
		_)	

## APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20044170

Honorable Michael J. Cruikshank, Judge

## **AFFIRMED**

Patrick C. Coppen

Tucson Attorney for Appellant

E S P I N O S A, Presiding Judge.

A twelve-person jury found appellant Mellisa Finlayson Jackson (Finlayson) guilty on one count each of conspiracy to possess or transport marijuana for sale and money laundering and two counts each of transportation of marijuana for sale, possession of marijuana for sale, and possession of drug paraphernalia. Finlayson absconded before trial and was tried in absentia; she was sentenced three years later, after she had been arrested,

convicted, and sentenced on similar charges in Maricopa County. The trial court sentenced her to mitigated prison terms for the conspiracy, transportation, and possession convictions and to presumptive terms for the money-laundering and drug-paraphernalia convictions. The combination of concurrent and consecutive terms totaled eight years' imprisonment. The court ordered these sentences served consecutively to the 6.5-year sentence she was already serving for her Maricopa County convictions.

- Counsel has filed a brief citing *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), avowing he has reviewed the entire record and found nothing to arguably support an appeal. In compliance with *State v. Clark*, counsel has provided "a detailed factual and procedural history of the case with citations to the record, [so] this court can satisfy itself that counsel has in fact thoroughly reviewed the record." 196 Ariz. 530, ¶ 32, 2 P.3d 89, 97 (App. 1999). Finlayson has not filed a supplemental brief.
- Pursuant to our obligation under *Anders*, we have reviewed the record in its entirety and are satisfied it substantially supports counsel's recitation of the facts. Viewed in the light most favorable to upholding the jury's verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence established that Finlayson had been involved in a marijuana-trafficking operation that used wired funds to buy marijuana in Tucson, package it, and send it from Pima County to New York.
- ¶4 Although not required to do so, see Clark, 196 Ariz. 530, ¶ 31, 2 P.3d at 96, and without developing or supporting any argument, counsel has included in his brief a list

of generally-phrased, nonmeritorious issues arguably suggested by the record. These include the trial court's denial of a motion to suppress witness identification and other motions in limine; its findings that Finlayson's post-arrest statement to a Tucson police officer and her absence from trial were voluntary; its use of a reasonable doubt instruction consistent with *State v. Portillo*, 182 Ariz. 592, 898 P.2d 970 (1995); and its imposition of consecutive sentences.

Substantial evidence supported findings of all the elements necessary for Finlayson's convictions, *see* A.R.S. §§ 13-1003, 13-2317, 13-3405, 13-3415, and the sentences imposed are within the ranges provided by former A.R.S. §§ 13-701(C) and 13-702(A). Moreover, in our examination of the record pursuant to *Anders*, including the issues suggested by counsel, we have found no reversible error and no arguable issue warranting further appellate review. *See Anders*, 386 U.S. at 744. We therefore affirm Finlayson's convictions and sentences.

	PHILIP G. ESPINOSA, Presiding Judge
CONCURRING:	
JOSEPH W. HOWARD, Chief Judge	
JOHN PELANDER, Judge	<del></del>

<sup>&</sup>lt;sup>1</sup>The relevant provisions of former §§ 13-701 and 13-702 have been revised and renumbered as A.R.S. § 13-702(D). 2008 Ariz. Sess. Laws, ch. 301, § 24.